

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JASON EVERETT HANKS, JR.,

Case No. 18-CV-2142 (NEB/HB)

Plaintiff,

v.

ORDER ACCEPTING
REPORT AND RECOMMENDATION

MINNESOTA DEPARTMENT OF
CORRECTIONS; MATT JOHNSON,
Correctional Officer at Oak Park Heights;
ZACH NUEHRING, Correctional Officer
at Oak Park Heights; JOHN RICCI,
Correctional Officer at Oak Park Heights;
and JEFF WHITE, Lieutenant, O.P.H.
Correctional Staff, Sued in Individual and
Official Capacities,

Defendants.

The Court has received the October 15, 2018, Report and Recommendation ("R&R") of United States Magistrate Judge Hildy Bowbeer. [ECF No. 9.] The R&R recommends dismissing the action without prejudice for failure to prosecute because the plaintiff Jason Everett Hanks, Jr. ("Hanks") failed to pay the initial partial filing fee. On November 6, 2018, the Court issued an order allowing Hanks to submit the filing fee by November 26, 2018, and warning that no further extensions would be granted. [ECF No. 11.] As of the date of this order, the Court has received no indication that Hanks has paid the required filing fee.

No party has objected to the R&R, and the Court therefore reviews it for clear error. See Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation [ECF No. 9] is ACCEPTED;
2. The action is DISMISSED WITHOUT PREJUDICE under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 12, 2018

BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States District Judge